

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

**IN RE FRAGRANCE DIRECT PURCHASER  
ANTITRUST LITIGATION**

Civil Action No.: 23-02174(WJM)(JSA)

**IN RE FRAGRANCE INDIRECT PURCHASER  
ANTITRUST LITIGATION**

Civil Action No. 23-03249(WJM)(JSA)

**IN RE FRAGRANCE END-USER PLAINTIFF  
ANTITRUST LITIGATION**

Civil Action No. 23-16127(WJM)(JSA)

**STIPULATION AND [PROPOSED] SCHEDULING ORDER**

IT IS HEREBY STIPULATED AND AGREED by and among the Parties in the three above-captioned Actions, through their respective counsel:

WHEREAS, on December 1, 2023, the Court granted the plaintiffs in the Direct Purchaser Action an extension to submit a schedule to file a Consolidated Amended Complaint and for Defendants<sup>1</sup> to answer, move, or otherwise respond to the Consolidated Amended Complaint in order to align the proposed schedule with the parallel Indirect Purchaser and End-User Actions, (Case No. 23-cv-2174 at ECF No. 80); and

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<sup>1</sup> The term “Defendants” refers to Givaudan Fragrances Corporation, Givaudan Flavors Corporation, Givaudan Roure (United States) Inc., Ungerer & Company, Custom Essence LLC, Symrise, Inc., Symrise US LLC, Firmenich Incorporated, Agilex Flavors & Fragrances Inc., and International Flavors & Fragrances Inc., together with Givaudan SA, Symrise AG, Firmenich International SA, Firmenich SA, and DSM-Firmenich AG (the “Foreign Defendants”). DSM-Firmenich AG and Firmenich SA have not yet been served in any of the above-captioned Actions.

WHEREAS, the Parties recognize that coordination of schedules amongst the three above-captioned Actions will serve the Court, the Parties, and the interests of justice by maximizing efficiency, minimizing redundancies, and eliminating the threat of inconsistent rulings.

NOW THEREFORE, the Parties through their respective counsel and subject to the Court's approval hereby stipulate and agree that:

1. Service on a Defendant shall be deemed complete once that Defendant has been served with any complaint in any one of the above-captioned Actions.
2. Plaintiffs in each above-captioned Action shall each file a Consolidated Amended Complaint on or before March 5, 2024.
3. Defendants shall answer, move to dismiss, or otherwise respond to the Consolidated Amended Complaint in each of the above-captioned Actions on or before May 10, 2024.
4. To the extent any Defendants file a partial motion to dismiss any Consolidated Amended Complaint, the time to answer any remaining claim shall be suspended until after an order on the partial motion to dismiss has been entered.
5. If Defendants file a motion to dismiss, Plaintiffs in each above-captioned Action shall respond to the respective motions to dismiss on or before July 12, 2024.
6. If Defendants file a motion to dismiss, Defendants shall reply in each of the above-captioned Actions on or before August 16, 2024.
7. This Stipulation and Order supersedes the previously entered Court orders with regard to the schedules for Plaintiffs to file consolidated amended complaints in the three above-captioned Actions.

8. Except as to the defense of insufficiency of service of process in these Actions,<sup>2</sup> no defense of any of the Defendants, including without limitation defenses based upon lack of personal jurisdiction, is prejudiced or waived by such Defendant's executing, agreeing to, joining, or filing this Stipulation.

9. Nothing in this Stipulation and Order shall preclude the Parties from seeking to amend the filing deadlines as set forth herein.

CARELLA, BYRNE, CECCHI, OLSTEIN,  
BRODY & AGNELLO, P.C.  
*Liaison Counsel for Direct Purchaser Plaintiffs  
and the Proposed Class*

By: /s/James E. Cecchi  
JAMES E. CECCHI

Dated: December 13, 2023

NUSSBAUM LAW GROUP, P.C.  
*Co-Lead Counsel for Direct Purchaser Plaintiffs  
and the Proposed Class*

By: /s/Linda P. Nussbaum  
LINDA P. NUSSBAUM

Dated: December 13, 2023

KOREIN TILLERY P.C.  
*Co-Lead Counsel for Direct Purchaser Plaintiffs  
and the Proposed Class*

By: /s/Christopher M. Burke  
CHRISTOPHER M. BURKE

Dated: December 13, 2023

GIBBONS P.C.  
Attorneys for Defendants  
GIVAUDAN FRAGRANCES  
CORPORATION, GIVAUDAN  
FLAVORS CORPORATION,  
UNGERER & COMPANY, GIVAUDAN  
ROURE (UNITED STATES) INC., and  
CUSTOM ESSENCE LLC

By: /s/Kevin R. Reich  
KEVIN R. REICH

Dated: December 13, 2023

WALSH PIZZI O'REILLY FALANGA  
LLP  
Attorneys for Defendants  
SYMRISE, INC. and SYMRISE US LLC

By: /s/Liza M. Walsh  
LIZA M. WALSH

Dated: December 13, 2023

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<sup>2</sup> Consistent with paragraph 1 above, Defendants agree to waive their defense of insufficiency of service of process as long as they were properly served in any one of the above-captioned Actions before the date of filing their anticipated motions to dismiss as set forth in paragraph 3.

HAUSFELD LLP  
*Co-Lead Counsel for Direct Purchaser Plaintiffs  
and the Proposed Class*

By: /s/Hilary K. Scherrer  
HILARY K. SCHERRER

Dated: December 13, 2023

LAW OFFICES OF MICHAEL D.  
FITZGERALD  
*Liaison Counsel for End-User Plaintiffs and the  
Proposed Class*

By: /s/Michael D. Fitzgerald  
MICHAEL D. FITZGERALD

Dated: December 13, 2023

ROBINS KAPLAN LLP  
*Co-Lead Counsel for End-User Plaintiffs and the  
Proposed Class*

By: /s/Kellie Lerner  
KELLIE LERNER

Dated: December 13, 2023

FREED KANNER LONDON & MILLEN, LLC  
*Co-Lead Counsel for End-User Plaintiffs and the  
Proposed Class*

By: /s/Kimberly A. Justice  
KIMBERLY A. JUSTICE

Dated: December 13, 2023

LITE DEPALMA GREENBERG &  
AFANDOR, LLC  
*Liaison Counsel for Indirect Purchaser Plaintiffs  
and the Proposed Class*

By: /s/Joseph J. DePalma  
JOSEPH J. DEPALMA

DUANE MORRIS LLP  
Attorneys for Defendants  
FIRMENICH INCORPORATED and  
AGILEX FLAVORS & FRAGRANCES,  
INC.

By: /s/Sean P. McConnell  
SEAN P. McCONNELL

Dated: December 13, 2023

SKADDEN, ARPS, SLATE, MEAGHER  
& FLOM LLP  
Attorneys for Defendant  
INTERNATIONAL FLAVORS &  
FRAGRANCES, INC.

By: /s/Tansy Woan  
TANSY WOAN

Dated: December 13 2023

Dated: December 13, 2023

CUNEO, GILBERT & LADUCA LLP  
*Co-Lead Counsel for Indirect Purchaser  
Plaintiffs and the Proposed Class*

By: /s/Blaine Finley  
BLAINE FINLEY

Dated: December 13, 2023

GUSTAFSON GLUEK PLLC  
*Co-Lead Counsel for Indirect Purchaser  
Plaintiffs and the Proposed Class*

By: /s/Michelle Looby  
MICHELLE LOOBY

Dated: December 13, 2023

SO ORDERED this \_\_\_\_\_ day of December, 2023

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JESSICA S. ALLEN, U.S.M.J.